

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WEBASTRO THERMO & COMFORT
NORTH AMERICA, INC., ET AL.,

Plaintiffs,

No.16-13456

v.

District Judge Paul D. Borman
Magistrate Judge R. Steven Whalen

BESTOP, INC.,

Defendant.

ORDER

Before the Court is Defendant's Motion to Compel Production of Documents [Doc. #62]. Since the motion was filed, the parties have stipulated to an order governing the discovery and production of electronically stored information [Doc. #72], have stipulated to an extension of discovery to July 13, 2018 [Doc. #72], and have stipulated to an order setting a schedule for the production of certain emails [Doc. #76]. On April 19, 2018, the Court held a telephonic status conference with attorneys for the parties regarding whether, in light of these subsequent orders, the present motion to compel was moot; the parties disagree as to whether that is the case.

Given the volume of material that is the subject of this motion and the extension of discovery cut-off, but with due concern that while discovery has apparently been produced on a "rolling basis," Defendant is entitled to production of what it requests, the motion to compel [Doc. #62] is GRANTED to the extent that Plaintiffs will complete production of the requested discovery in Plaintiff's First Set of Requests for Production

no later than May 31, 2018.¹ The Defendant will produce a privilege log as to any material to which privilege is claimed.

Defendant's request for sanctions is DENIED.

IT IS SO ORDERED.

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: April 20, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on April 20, 2018, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen

¹ All requests are for documents, except for Requests 42 and 45, which request tangible things. Plaintiffs will make these items available for inspection under Fed.R.Civ.P. 34(a)(1)(B) and/or (2).